IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No.5090 OF 2007

Gangabhishan s/o Laxminarayan
Devidan and others. ... **Petitioners.**

Versus

Khatkeshwar Baba and Company
Jalna and Others. ... **Respondents.**

Shri. Anand Bhandari, Advocate for petitioner.

Shri. Ajay Deshpande, Advocate for respondent Nos.1 to 5.

Shri. R.P. Phatke, Additional Government Pleader for respondent Nos.11,12 and 13.

Shri. H.K. Munde Advocate for respondent No. 14.

CORAM: NARESH H PATIL &
K.K. TATED, JJ.
DATE: 30th JUNE, 2010

PER COURT :

1) By an order dated 13th December 2007 this Court had directed the Divisional Commissioner, Aurangabad Division, Aurangabad

to decide the appeal expeditiously. The jurisdiction to decide the appeal is now with the Maharashtra Revenue Tribunal. It transpired that the Tribunal did not dispose of the appeal as the original record, which was called by the Tribunal from the revenue office, could not be placed before it.

2) This matter had come before us several times as it was reported that the original file is not traced out. Today, affidavit in reply is filed by the Tahsildar Mr. Devendra Tukaram Katke. The deponent narrates the steps taken to search the file but he file could not be traced out. In the light of the direction issued by this Court three years back we find that in stead of waiting for the original file some effort is required to be made so that the appeal could be disposed of finally.

3) The contesting parties are entitled to produce the relevant documents which are not part of the record of the Maharashtra Revenue Tribunal, for the purpose of hearing of the appeal. In case the Tribunal is satisfied that the documents produced by the parties are sufficient for disposal of the appeal on merits then the Tribunal with consent of the parties may dispose of the appeal expeditiously on its own merits. If the Tribunal finds that for want of certain documents which could not be produced by the parties before it the appeal could not be heard then in that situation further directions with the consent of the parties would be issued by the Tribunal in respect of such documents. The contesting parties should appear before the Tribunal on the next date of hearing and file documents and exchange the

same between themselves. The Registry to communicate this order to the Maharashtra Revenue Tribunal.

Sd/-
(K.K. TATED, J.)

Sd/-
(NARESH H PATIL, J.)

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